

# **Exhibit J**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
NATIONAL ABILITY S.A.,

Plaintiff,

-against-

TINNA OILS & CHEMICALS LTD., TINNA  
FINEX LTD., TINNA GROUP, TINNA AGRO  
INDUSTRIES LTD., ADM INTEROCEANIC  
LIMITED, ADM COCOA PTE LTD., and  
ARCHER DANIELS MIDLAND SINGAPORE  
PTE LTD.,

Defendants.  
----- x

ALVIN K. HELLERSTEIN, U.S.D.J.:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 02-28-08

EX PARTE ORDER FOR  
PROCESS OF MARITIME  
ATTACHMENT AND  
GARNISHMENT

07 Civ. 9913 (AKH)

WHEREAS on February 28, 2008 Plaintiff National Ability S.A., filed a  
Amended Verified Complaint herein for damages amounting to \$2,315,832.96 inclusive of  
interest, costs, and attorneys' and arbitrators' fees, and praying for the issuance of an ex parte  
order for Process of Maritime Attachment and Garnishment pursuant to Rule B of the  
Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules  
of Civil Procedure; and

WHEREAS the attorney for Plaintiff has filed a Supporting Affidavit describing  
the efforts made by and on behalf of the Plaintiff to find and serve the Defendant within the  
District; and

WHEREAS the Court has reviewed the Verified Complaint and the Supporting  
Affidavit, and the conditions set forth in Supplemental Admiralty Rule B appear to exist; and

WHEREAS the Process of Maritime Attachment and Garnishment would  
command that the United States Marshal or other designated process server attach any and all of  
the Defendant's property within the Southern District of New York; it is hereby

MICROFILMED

FEB 29 2008 -9 00 AM

ORDERED that Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property belonging to, claimed by, or being held for the Defendant by any garnishees within this District, pursuant to Supplemental Admiralty Rule B; and it is further

ORDERED that any person claiming interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to an adversary hearing within three court days, subject to this Court's modification; and it is further

ORDERED that supplemental process enforcing this Court's order may be issued by the Clerk upon application within 30 days without further order of the Court; and it is further

ORDERED that following initial service by the United States Marshal or other designated process server upon each garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be accomplished by email, facsimile transmission, or other verifiable electronic means, provided that such supplemental service accords with the garnishee's written rules or policies regarding service, if any. Such supplemental service shall be deemed to be made within the District if a natural person within the District caused the service to be transmitted to a garnishee having an office within the District; and it is further

ORDERED that service on any garnishee as described above is deemed effective for the length of time and to the extent that the garnishee's written rules or policies so provide; and it is further

ORDERED that a copy of this Order be attached to and served with the Process of Maritime Attachment and Garnishment; and it is further

ORDERED that if any of the Defendant's property is attached, the Plaintiff shall give prompt notice to the Defendant of the attachment. Such notice shall be in writing, and may be given outside of the District by telex, telegram, cable, fax, or other verifiable electronic means.

Dated: February 28, 2008  
New York, New York



ALVIN K. HELLERSTEIN  
United States District Judge

CERTIFIED AS A TRUE COPY ON

THIS DATE 02-28-08

BY B. J. P. C.  
( ) Clerk  
(X) Deputy

**Kenney, Fred**

---

**From:** Hopp, Dr. Klaus-Peter  
**Sent:** Tuesday, March 11, 2008 12:25 PM  
**To:** Joseph, Toks; Kenney, Fred; Ostermann, Douglas  
**Cc:** Roberts, Scott; Bandler, Ron; Roney, Scott  
**Subject:** AW: Cocoa PTE - OFAC Withholding USD payments

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Thanks, Toks.

Regards.  
Peter

-----Ursprüngliche Nachricht-----

Von: Joseph, Toks  
Gesendet: Di 11.03.2008 17:45  
An: Kenney, Fred; Hopp, Dr. Klaus-Peter  
Cc: Roberts, Scott; Bandler, Ron; Roney, Scott  
Betreff: Fw: Cocoa PTE - OFAC Withholding USD payments

Gentlemen,

Citi bank received a writ of attachment from the district court of New York. This is the reason for their withholding debits to the account. I have just spoken to them and the amount of the writ has been satisfied so debits have resumed.

There was obviously a miscommunication issue by Citi bank as there was never an OFAC issue

\*\*\* Fred , Peter i have requested a copy of the writ and will forward it to you as soon as i get it.

Toks  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Roney, Scott  
To: Joseph, Toks  
Sent: Tue Mar 11 09:20:31 2008  
Subject: FW: Cocoa PTE - OFAC Withholding USD payments

FYI... another minor communication on this.

-----Original Message-----

From: Kane, Robert J [mailto:robert.j.kane@citi.com]  
Sent: Tuesday, March 11, 2008 9:00 AM  
To: Bandler, Ron  
Cc: Roney, Scott; Chrzan, Barbara  
Subject: RE: Cocoa PTE - OFAC Withholding USD payments

Barbara and I will get on it asap.

-----Original Message-----

From: Bandler, Ron [mailto:Bandler@admworld.com]  
Sent: Tuesday, March 11, 2008 9:58 AM  
To: Kane, Robert J [CMB-GBKG]  
Cc: Roney, Scott  
Subject: FW: Cocoa PTE - OFAC Withholding USD payments

Bob - Here is the email I mentioned. If you could find out more details on what it is that Citibank has received from OFAC, we would appreciate it.

Regards,  
Ron

-----Original Message-----

From: Ostermann, Douglas  
Sent: Tuesday, March 11, 2008 4:41 AM  
To: Bandler, Ron  
Cc: Hudson, Rachel  
Subject: FW: Cocoa PTE - OFAC Withholding USD payments

Ron,

Any specifics on the lawsuit or the notification that Citibank received would be helpful. Perhaps you can address this with Bob Kane?

Doug

-----Original Message-----

From: Hudson, Rachel  
Sent: Tuesday, March 11, 2008 10:37 AM  
To: Bandler, Ron  
Cc: Ostermann, Douglas; Murphy, Derry  
Subject: Cocoa PTE - OFAC Withholding USD payments

Hi Ron,  
We don't have a lot of details on this matter, but Derry suggested that we notify you that OFAC has flagged ADM Cocoa PTE's USD account at Citi and has instructed Citi to stop all payments out of this account. Citi told Noel over the phone that the flag was a result of a pending lawsuit against PTE, but they would not put that information in writing. We've notified Peter Hopp. In the meantime USD payments will be paid out of RTC's account instead (Peter has approved this).  
-Rachel

-----Original Message-----

From: O'Donovan, Noel  
Sent: Monday, March 10, 2008 5:38 PM  
To: Lim, Bee Leng  
Cc: O'Keefe, Rachel; O'Donovan, Noel; FINCO  
Subject: RE: \*\_1089507MAR08\_\*Ofac Hit

Hi Bee Leng,

I have just been informed by CITI that there is a lawsuit against Cocoa PTE and all payments will be held until the litigation is cleared. I was told the lawsuit is for 2.3M and the plaintiff is National Ability SA. CITI have no further information and cannot fund any payments from Cocoa PTE. Please advise as to further action or let me know if you have any other information,

Regards,  
Noel

-----Original Message-----

From: Lim, Bee Leng  
Sent: 10 March 2008 11:54

To: O'Donovan, Noel  
Subject: RE: \*\_1089507MAR08\_\*Ofac Hit

Hi Noel,  
I think it might be somewhere goes wrong on Citibank. Coz these are all the regular vendor and they never change any bank details recently. Just for your info, I had rec'd a couple of vendors call up why my payment to them on 6 Mar, they could not rec'd the fund on last Friday and even today also.

Now you forward me the PT Agrikom , remind me that PT Agrikom is one of the vendor who call me today . Another vendor call me up is Deboom for the amount of USD 148402.75.

Kindly let Citibank aware about this.  
Thank you very much.

Regards  
BL

-----Original Message-----

From: O'Donovan, Noel  
Sent: Monday, March 10, 2008 7:47 PM  
To: Lim, Bee Leng  
Subject: FW: \*\_1089507MAR08\_\*Ofac Hit

FYI

-----Original Message-----

From: GLOBAL.INVESTIGATIONS [mailto:global.investigations@citi.com]  
Sent: 08 March 2008 07:29  
To: FINCO  
Subject: \*\_1089507MAR08\_\*Ofac Hit

Citibank e-mail for your reference  
000032330003 726  
Value Date 06-MAR-08  
Originator Ref 000032330003 726  
Global ID LCT80660200500  
Debit Amnt 128,380.00/USD  
Credit Amnt 128,380.00/USD  
Debit Name ADM COCOA PTE  
Debit Account DDA/30533414  
Credit Name OFAC SUNDRIES  
Credit Account HGL/751262  
BORD Name ADM COCOA PTE, LTD.  
UBNF Name PT AGRIKOM INDONUSA ABADI

.  
Good Day,

.  
Good day,

.  
Regarding the item described above, Please be advised that the funds are held in OFAC as instructed by the Citigroup Corporate Litigation Group to hold the funds due to the maritime writ of attachment against "ADM Coc . Ltd.". We will continue to hold funds pending further instruction from Citigroup Corporate Litigation Group.

.  
REGARDS, CITIBANK GLOBAL INVESTIGATIONS.  
OUR REF CITI1089507MAR08

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**Kenney, Fred**

---

**From:** Joseph, Toks  
**Sent:** Tuesday, March 11, 2008 11:45 AM  
**To:** Kenney, Fred; Hopp, Dr. Klaus-Peter  
**Cc:** Roberts, Scott; Bandler, Ron; Roney, Scott  
**Subject:** Fw: Cocoa PTE - OFAC Withholding USD payments

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Regards,  
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Value Date 06-MAR-08  
Originator Ref 000032330003 726  
Global ID LCT80660200500  
Debit Amnt 128,380.00/USD  
Credit Amnt 128,380.00/USD  
Debit Name ADM COCOA PTE  
Debit Account DDA/30533414  
Credit Name OFAC SUNDRIES  
Credit Account HGL/751262  
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**Kenney, Fred**


---

**From:** Ravi Chhabra [r-chhabra@tinnagroup.com]  
**Sent:** Friday, March 14, 2008 3:01 AM  
**To:** Reitter, Christian; Kenney, Fred  
**Cc:** Hopp, Dr. Klaus-Peter; Blum, Katrin; Gaurav Sekhri; T.P Shenoy; Chong, P K  
**Subject:** Re: Potato Case dated 1998 against Tinna Finex Ltd

Hello Fred

We have sent you a set of documents at address (ADM 4666, FARIES PARKWAY DECATUR ILLINOIS USA) by DHL no 1377182763 Dated 13 March 2008.

If you need any further info please let us know.

Thanks & Regards

Ravi Chhabra

---

----- Original Message -----

**From:** Reitter, Christian  
**To:** r-chhabra@tinnagroup.com  
**Cc:** Kenney, Fred ; Hopp, Dr. Klaus-Peter ; Blum, Katrin  
**Sent:** Thursday, March 13, 2008 2:56 PM  
**Subject:** AW: Potato Case dated 1998 against Tinna Finex Ltd

Dear RC,

Please send a similar set of copies express to Fred Kenney in Decatur.

Thank you.

Best,

Chrisitan

---

**Von:** Blum, Katrin  
**Gesendet:** Donnerstag, 13. März 2008 09:31  
**An:** Reitter, Christian  
**Betreff:** WG: Potato Case dated 1998 against Tinna Finex Ltd

Zur Info

---

**Von:** Ravi Chhabra [mailto:r-chhabra@tinnagroup.com]  
**Gesendet:** Donnerstag, 13. März 2008 08:13  
**An:** Gaurav Sekhri  
**Cc:** Chong, P K; Blum, Katrin; T.P Shenoy  
**Betreff:** Re: Potato Case dated 1998 against Tinna Finex Ltd

Dear Sir,

We have sent to Mr P K Chong , Singapore(DHL1377889634 dtd 12th March) & Dr Peter Hopp, Hamburg Germany (DHL 1377889645) following documents. Kindly advise where to send similar set in USA

1. Complaint Filed by Claimant at USA(Received by us thru Fax on 11 & 12 th March 2008)
2. Arbitration Award Dated 19<sup>th</sup> November 1998 and other papers filed in Indian Court, during the course of execution petition.

3. Copy of High Court order dated 7<sup>th</sup> November 1997 regarding the restructuring of Tinna Oils & Chemicals Ltd, whereby all the liabilities/pending claim relating to transaction prior to restructuring got transferred to Tinna Finex Ltd.
4. Shareholders Agreement between Tinna & ADM.

Regards  
RC

----- Original Message -----

**From:** Ravi Chhabra  
**To:** Chong, P K ; Hopp, Dr. Klaus-Peter  
**Cc:** g-sekhri@tinnagroup.com ; TP SHENOY ; baroota\_csp@yahoo.co.in ; Ajay Baroota ; Katrin Blum Germany  
**Sent:** Wednesday, March 12, 2008 6:45 PM  
**Subject:** Re: Potato Case dated 1998 against Tinna Finex Ltd

Dear Sir,  
 Today, 12 th March we received some more fax (page 33 to 73) enclosed herewith. Page 33-38 is verified complaints which is Dated November 9, 2007. Yesterday we received "AMENDED VERIFIED COMPLAINTS" (Page 6 TO 18) which is dated February 28 , 2008.  
 Thanks & Regards  
 R Chhabra

----- Original Message -----

**From:** Ravi Chhabra  
**To:** Chong, P K ; Hopp, Dr. Klaus-Peter  
**Cc:** g-sekhri@tinnagroup.com ; TP SHENOY ; baroota\_csp@yahoo.co.in  
**Sent:** Wednesday, March 12, 2008 2:49 PM  
**Subject:** Re: Potato Case dated 1998 against Tinna Finex Ltd

Dear Sir,  
 Pls find enclosed herewith copy of complaint (32 pages) which we received by fax on 11th March 2008.  
 Thanks & Regards  
 R.Chhabra

----- Original Message -----

**From:** Chong, P K  
**To:** g-sekhri@tinnagroup.com ; TP SHENOY ; RAVI CHHABRA ; baroota\_csp@yahoo.co.in  
**Cc:** g-sekhri@tinnagroup.com ; Hopp, Dr. Klaus-Peter  
**Sent:** Wednesday, March 12, 2008 8:53 AM  
**Subject:** 答复: Potato Case dated 1998 against Tinna Finex Ltd

Hi GV, Chhabra,

As spoken, can you please scan a copy of the notice from the "claimants" to Peter and myself immediately?

Regards,

PK

---

**From:** GVS [mailto:g-sekhri@tinnagroup.com]  
**Sent:** 2008-3-12 (星期三) 1:22  
**To:** Chong, P K; 'TP SHENOY'; RAVI CHHABRA; baroota\_csp@yahoo.co.in  
**Cc:** g-sekhri@tinnagroup.com  
**Subject:** Potato Case dated 1998 against Tinna Finex Ltd

Dear PK:

As you are aware, we have had this long pending case going on which is in reference to merchant exports undertaken by TOCL in 1995/6 (before our JV took place).

In reference to same, while the case is going on in Delhi High Court, the claimants, a company called National Ability SA has filed a petition in the District Court of New York. We came to know about this today morning when we saw a fax recd from the claimants attorneys in New York. We will send you same for your reference. National Ability has filed a malafide petition making a story that TOCL, TAIL, Tinna Finex, ADM Cocoa, ADM Interoceanic etc...are all part of "TINNA GROUP" or "it is one group with same beneficiary". It seems that the district Court has awarded them an ex parte stay. The order recd, mentions some sums of money, totaling approx usd1 Million, which is supposedly in bank accounts of Citibank and HSBC, however no account numbers are mentioned. therefore we don't know who this money belongs to (whether TOCL or TAIL or ADM Cocoa etc...).

The Court has given us 30 days to respond.

I have consulted our lawyer in Delhi, who is handling this matter before the high Court since 1998. his legal opinion is attached herewith. His opinion is very clear that this order from NY is not maintainable and we will surely succeed in getting it quashed, but it has to be challenged there.

Kindly go thru the same and call me. I'll be taking a flight at 9.30am, so my phone will off until between 9.30 and 12.30 tomorrow morning, India time.

Warm regards  
GV

---

**From:** Sudhir Nandrajog [mailto:sudhirnandrajog@gmail.com]  
**Sent:** Tuesday, March 11, 2008 8:01 PM  
**To:** g-sekhri@tinnagroup.com  
**Subject:** from Sudhir Nandrajog

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Internal Virus Database is out-of-date.

Checked by AVG Free Edition.

Version: 7.5.516 / Virus Database: 269.21.3/1308 - Release Date: 3/3/2008 10:01 AM

Die Pflichtangaben zu den Europaeischen Gesellschaften der ADM-Gruppe finden Sie unter folgendem Link:

The mandatory information on European companies in the ADM Group can be found under the following link:

De verplichte informatie met betrekking tot de Europese bedrijven

van het ADM concern vindt u onder de volgende hyperlink:

<http://www.admworld.com/germanstatutory>

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Version: 7.5.516 / Virus Database: 269.21.3/1308 - Release Date: 3/3/2008 10:01 AM



## Kenney, Fred

---

**From:** Reitter, Christian  
**Sent:** Friday, March 14, 2008 5:04 AM  
**To:** Kenney, Fred  
**Cc:** Hopp, Dr. Klaus-Peter; Chong, P K  
**Subject:** AW: Fw: Potato Case dated 1998 against Tinna Finex Ltd

Fred:

PK just pointed out to me and wanted me to share with you that the summons (page 2 of the hardcopy you are about to receive) date 02/28/2008.

PK:

Would you know when this summons has been served which will be crucial for computing the 30 days we have to answer the complaint.

Best,

Christian Reitter

Office +41 21 702 8755  
Mobile +41 79 82 05 388

-----Ursprüngliche Nachricht-----

Von: Kenney, Fred  
Gesendet: Mittwoch, 12. März 2008 22:50  
An: Reitter, Christian  
Cc: Yeo Kheng Chye; Yeo, Hwee Hoon Cecilia; Hopp, Dr. Klaus-Peter; Chong, P K; Joseph, Toks; Ostermann, Douglas  
Betreff: RE: Fw: Potato Case dated 1998 against Tinna Finex Ltd

I have spoken briefly with Toks about this matter. Neither he nor I are aware of the background facts. To allow for action to be taken in the New York court, I need someone to provide a detail of the background facts leading to issuance of the writ. I have been travelling this week and will not be back in the office until Friday. I will await further information. Fred

-----Original Message-----

From: Reitter, Christian  
Sent: Wednesday, March 12, 2008 8:15 AM  
To: Kenney, Fred  
Cc: Yeo Kheng Chye; Yeo, Hwee Hoon Cecilia; Hopp, Dr. Klaus-Peter; Chong, P K; Joseph, Toks; Ostermann, Douglas  
Subject: AW: Fw: Potato Case dated 1998 against Tinna Finex Ltd

Fred,

We have a lawsuit pending in the Delhi High Court with National Ability SA as plaintiff and ADM Interoceanic Ltd., ADM Cocoa Pte Ltd., and ADM Singapore PTE Ltd. involved.

Pursuant to an Ex Parte Order of Maritime Attachment and Garnishment by the New York District Court our property was attached at Citibank in an amount of approximately \$ 1 million and at HSBC in an amount of approximately \$ 40,000.

We would need the New York District Court's decision challenged.

I understand that Toks Joseph knows about the case.

Thanks for your help.

Kind regards,

Christian Reitter

-----Ursprüngliche Nachricht-----

Von: Hopp, Dr. Klaus-Peter  
Gesendet: Mittwoch, 12. März 2008 12:18  
An: Chong, P K; Reitter, Christian  
Cc: Yeo Kheng Chye; Yeo,Hwee Hoon Cecilia  
Betreff: AW: Fw: Potato Case dated 1998 against Tinna Finex Ltd

Hi PK.

Christian will contact Fred Kenney at Legal Decatur to sort this out promptly.

Regards  
Peter

-----Original Message-----

From: Chong, P K  
To: Hopp, Dr. Klaus-Peter  
CC: Yeo Kheng Chye; Yeo,Hwee Hoon Cecilia  
Sent: Wed Mar 12 01:04:46 2008  
Subject: Fw: Potato Case dated 1998 against Tinna Finex Ltd

Hi Peter,

This is really ridiculous! ADM has nothing to do with this case. I do not know how the US court can simply issue such order?

Plse advise what Cocoa should do immediately to release this?

Regards,

PK

----- Original Message -----

From: GVS <g-sekhri@tinnagroup.com>  
To: Chong, P K; 'TP SHENOY' <p-shenoy@tinnagroup.com>; RAVI CHHABRA <r-chhabra@tinnagroup.com>; baroota\_csp@yahoo.co.in <baroota\_csp@yahoo.co.in>  
Cc: g-sekhri@tinnagroup.com <g-sekhri@tinnagroup.com>  
Sent: Wed Mar 12 01:22:27 2008  
Subject: Potato Case dated 1998 against Tinna Finex Ltd

Dear PK:

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Warm regards

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From: Sudhir Nandrajog [mailto:sudhirnandrajog@gmail.com]  
Sent: Tuesday, March 11, 2008 8:01 PM  
To: g-sekhri@tinnagroup.com  
Subject: from Sudhir Nandrajog

**Kenney, Fred**

---

**From:** Reitter, Christian  
**Sent:** Friday, March 14, 2008 5:04 AM  
**To:** Kenney, Fred  
**Cc:** Hopp, Dr. Klaus-Peter; Chong, P K  
**Subject:** AW: Fw: Potato Case dated 1998 against Tinna Finex Ltd

Fred:

PK just pointed out to me and wanted me to share with you that the summons (page 2 of the hardcopy you are about to receive) date 02/28/2008.

PK:

Would you know when this summons has been served which will be crucial for computing the 30 days we have to answer the complaint.

Best,

Christian Reitter

Office +41 21 702 8755  
Mobile +41 79 82 05 388

-----Ursprüngliche Nachricht-----

Von: Kenney, Fred  
Gesendet: Mittwoch, 12. März 2008 22:50  
An: Reitter, Christian  
Cc: Yeo Kheng Chye; Yeo,Hwee Hoon Cecilia; Hopp, Dr. Klaus-Peter; Chong, P K; Joseph, Toks; Ostermann, Douglas  
Betreff: RE: Fw: Potato Case dated 1998 against Tinna Finex Ltd

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Thanks for your help.

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Von: Hopp, Dr. Klaus-Peter  
Gesendet: Mittwoch, 12. März 2008 12:18  
An: Chong, P K; Reitter, Christian  
Cc: Yeo Kheng Chye; Yeo,Hwee Hoon Cecilia  
Betreff: AW: Fw: Potato Case dated 1998 against Tinna Finex Ltd

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Regards  
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To: Hopp, Dr. Klaus-Peter  
CC: Yeo Kheng Chye; Yeo,Hwee Hoon Cecilia  
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**Subject:** AW: Fw: Potato Case dated 1998 against Tinna Finex Ltd

We are certainly defendants in the US civil suit (c.f. inter alia pages 6, 35-39, 64-67 of the hardcopy).

Best,

Christian

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**Von:** GVS [mailto:g-sekhri@tinnagroup.com]  
**Gesendet:** Donnerstag, 13. März 2008 04:17  
**An:** Chong, P K; Kenney, Fred; Reitter, Christian  
**Cc:** Yeo Kheng Chye; Yeo,Hwee Hoon Cecilia; Hopp, Dr. Klaus-Peter; Joseph, Toks; Ostermann, Douglas  
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**From:** Chong, P K [mailto:PKChong@admworld.com]  
**Sent:** Thursday, March 13, 2008 5:13 AM  
**To:** Kenney, Fred; Reitter, Christian  
**Cc:** Yeo Kheng Chye; Yeo,Hwee Hoon Cecilia; Hopp, Dr. Klaus-Peter; Joseph, Toks; Ostermann, Douglas; g-sekhri@tinnagroup.com  
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03/14/2008

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## Kenney, Fred

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**Sent:** Wednesday, March 12, 2008 10:17 PM  
**To:** Chong, P K; Kenney, Fred; Reitter, Christian  
**Cc:** Yeo Kheng Chye; Yeo,Hwee Hoon Cecilia; Hopp, Dr. Klaus-Peter; Joseph, Toks; Ostermann, Douglas  
**Subject:** RE: Fw: Potato Case dated 1998 against Tinna Finex Ltd  
**Attachments:** reefer case synopsis.doc; VALMIKI MEHTA TOCL POINTS.doc

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-----Ursprüngliche Nachricht-----

Von: Hopp, Dr. Klaus-Peter  
Gesendet: Mittwoch, 12. März 2008 12:18  
An: Chong, P K; Reitter, Christian  
Cc: Yeo Kheng Chye; Yeo,Hwee Hoon Cecilia  
Betreff: AW: Fw: Potato Case dated 1998 against Tinna Finex Ltd

Hi PK.

Christian will contact Fred Kenney at Legal Decatur to sort this out promptly.

Regards  
Peter

-----Original Message-----

From: Chong, P K  
To: Hopp, Dr. Klaus-Peter  
CC: Yeo Kheng Chye; Yeo,Hwee Hoon Cecilia  
Sent: Wed Mar 12 01:04:46 2008  
Subject: Fw: Potato Case dated 1998 against Tinna Finex Ltd

Hi Peter,

This is really ridiculous! ADM has nothing to do with this case. I do not know how the US court can simply issue such order?

Plse advise what Cocoa should do immediately to release this?

Regards,

PK

----- Original Message -----

From: GVS <g-sekhri@tinnagroup.com>  
To: Chong, P K; 'TP SHENOY' <p-shenoy@tinnagroup.com>; RAVI CHHABRA <r-chhabra@tinnagroup.com>; baroota\_csp@yahoo.co.in <baroota\_csp@yahoo.co.in>  
Cc: g-sekhri@tinnagroup.com <g-sekhri@tinnagroup.com>  
Sent: Wed Mar 12 01:22:27 2008  
Subject: Potato Case dated 1998 against Tinna Finex Ltd

Dear PK:

As you are aware, we have had this long pending case going on which is in reference to merchant exports undertaken by TOCL in 1995/6 (before our JV took place).

In reference to same, while the case is going on in Delhi High Court, the claimants, a company called National Ability SA has filed a petition in the District Court of New York. We came to know about this today morning when we saw a fax recd from the claimants attorneys in New York. We will send you same for your reference. National Ability has filed a malafide petition making a story that TOCL, TAIL, Tinna Finex, ADM Cocoa, ADM Interoceanic etc...are all part of "TINNA GROUP" or "it is one group with same beneficiary". It seems that the district Court has awarded them an ex parte stay. The order recd, mentions some sums of money, totaling approx usd1 Million, which is supposedly in bank accounts of Citibank and HSBC, however no account numbers are mentioned. therefore we don't know who this money belongs to (whether TOCL or TAIL or ADM Cocoa etc...).

The Court has given us 30 days to respond.

I have consulted our lawyer in Delhi, who is handling this matter before the high Court since 1998. his legal opinion is attached herewith. His opinion is very clear that this order from NY is not maintainable and we will surely succeed in getting it quashed, but it has to be challenged there.

Kindly go thru the same and call me. I'll be taking a flight at 9.30am, so my phone will off until between 9.30 and 12.30 tomorrow morning, India time.

Warm regards

GV

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From: Sudhir Nandrajog [mailto:sudhirnandrajog@gmail.com]  
Sent: Tuesday, March 11, 2008 8:01 PM  
To: g-sekhri@tinnagroup.com  
Subject: from Sudhir Nandrajog

**Kenney, Fred**

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**From:** Mary E. Fedorchak [mfedorchak@lenmur.com]  
**Sent:** Monday, March 10, 2008 4:14 PM  
**To:** 12128325953@faxmail.com; India; 12125213264@faxmail.com; xramaritimeattachmen@barclayscapital.com; pmag@americas.bnpparibas.com; 12122613431@faxmail.com; Habib; 12124097303@faxmail.com; 16465024225@faxmail.com; jmillier@mw-law.com; lpiechocki@mw-law.com; jennifer.paley@ubs.com; pmag@zeklaw.com; Corner, Rodd [CMB-GCO]; aebpmag@zeklaw.com; 12126935040@faxmail.com; 12123827593@faxmail.com; 19174648069@faxmail.com; Mihalik, Mary B [CMB-GCO]; Legal.Service@us.standardchartered.com; wachovia  
**Cc:** 16464522001@faxmail.com; 12123768099@faxmail.com; 12123406170@faxmail.com  
**Subject:** National Ability S.A. v. Tinna Oils & Chemicals Ltd. and Tinna Finex Ltd.  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
**Attachments:** Writ & Order 07cv9913.pdf

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**Re:** **National Ability S.A. v. Tinna Oils & Chemicals Ltd. and Tinna Finex Ltd., Tinna Group, Tinna Agro Industries Ltd., ADM Interoceanic Limited, ADM Cocoa PTE. LTD., and Archer Daniels Midland Singapore PTE LTD.**

Docket Number: 07 Civ. 9913

Our Reference Number: 07-1233

Ladies and Gentlemen:

We represent the Plaintiff in the above-referenced action. Please see attached herewith for service a Writ of Maritime Attachment seeking to attach

\$ 2,336,464.17 of the Defendant's assets, property, etc. in New York that are, or may soon be, in the hands of your respective banks. Should you have any questions or comments please feel free to contact our office to discuss the same.

Thank you for your attention to the foregoing.

Sincerely,

Mary Fedorchak  
Legal Assistant

/Enclosures

*Lennon, Murphy & Lennon, LLC*

Tide Mill Landing  
2425 Post Road  
Southport, CT 06890  
(203) 256-8600  
(203) 256-8615 fax

03/14/2008

The GrayBar Building  
420 Lexington Ave, Suite 300  
New York, NY 10170  
(212) 490-6050  
(212) 490-6070 fax

07-cv-09913-AKH

Docket no.

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To the Marshal of the Southern District of New York (or designated process server) - GREETINGS:

WHEREAS an Amended Verified Complaint has been filed in the United States District Court for the Southern District of New York on the 28<sup>th</sup> day of February 2008 by

**NATIONAL ABILITY S.A.,**

Plaintiff,

against

**TINNA OILS & CHEMICALS LTD., TINNA FINEX LTD., TINNA GROUP, TINNA AGRO INDUSTRIES LTD., ADM INTEROCEANIC LIMITED, ADM COCOA PTE. LTD., and ARCHER DANIELS MIDLAND SINGAPORE PTE LTD.,**

Defendants,

in a certain action for breach of maritime contract wherein it is alleged that there is due and owing from the Defendants to the said Plaintiff the amount of \$2,336,464.17 and praying for process of maritime attachment and garnishment against the said Defendants,

WHEREAS, this process is issued pursuant to such prayer and requires that a garnishee(s) shall serve their answer(s), together with answers to any interrogatories served with the Complaint, within 20 days after service of process upon him and requires that Defendants shall serve their answer(s) within 30 days after process has been executed, whether by attachment of property or service on the garnishee.

NOW, THEREFORE, we do hereby command you that if the said Defendants cannot be found within the District you attach goods and chattels to the amount sued for, and if such property cannot be found that you attach other property, credit and effects to the amount sued for in the hands of:

ABN Amro, American Express Bank, Bank of America, Bank of China, Bank of Communications, Bank of India, State Bank of India, Bank of New York, BNP Paribas, Barclay's Bank, Citibank, Calyon, Deutsche Bank, Fortis Bank, Habib Bank, HSBC Bank USA Bank, J.P. Morgan Chase, Societe Generale, Standard Chartered Bank, UBS, Union Bank of California International, and/or Wachovia Bank N.A.

to wit: property, letters of credit, deposits, funds, credits, bills of lading, debts, settlement agreements, or other assets, tangible or intangible, in whatever form of:

**TINNA OILS & CHEMICALS LTD., TINNA FINEX LTD., TINNA GROUP, TINNA AGRO INDUSTRIES LTD., ADM INTEROCEANIC LIMITED, ADM COCOA PTE. LTD., and ARCHER DANIELS MIDLAND SINGAPORE PTE LTD.**

and that you promptly after execution of this process, file the same in this court with your return thereon.

WITNESS, the Honorable Alvin K. Hellerstein, Judge of said Court, this 28 day of February 2007, and of our Independence the two-hundred and thirty-second.

Lennon, Murphy & Lennon, LLC  
Attorneys for Plaintiff  
The Gray Bar Building  
420 Lexington Ave., Suite 300  
New York, NY 10170  
Phone (212) 490-6050

J. MICHAEL McMAHON

Clerk

By: [Signature]  
Deputy Clerk

NOTE: This Process is issued pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure and/or New York Civil Practice Law and Rules, Article 62.